

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD D. HERBOLSHEIMER,

Defendant.

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Case No. 8:11CR63

**FINDINGS AND RECOMMENDATION
AND ORDER**

At the conclusion of the hearing on May 12, 2011, on defendant's Motion to Suppress (#23), I stated my conclusions on the record and my decision to recommend that the motion to suppress be granted in part and denied in part. In accordance with that announcement,

IT IS RECOMMENDED to the Honorable Laurie Smith Camp, United States District Judge, that the Motion to Suppress (#23) be granted in part and denied in part.

FURTHER, IT IS ORDERED:

1. The clerk shall cause a transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 59.2, any objection to the magistrate's Findings and Recommendation shall be filed with the Clerk of the Court within fourteen (14) days after the unredacted transcript is available to counsel. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 12th day of May 2011.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge